

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARCY HARPER,

Plaintiff,

v.

ALEX FARHAT, et al.,

Defendants.

No. 2:24-cv-2644 TLN CSK P

ORDER

Plaintiff is a former state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is defendants' motion to modify the discovery and scheduling order. (ECF No. 41.) For the following reasons, plaintiff is ordered to inform the Court whether plaintiff is still hospitalized.

On November 17, 2025, plaintiff filed a notice stating that he was currently in the hospital. (ECF No. 39.) Plaintiff stated that he would inform the court when he was released from the hospital. (Id.) On November 21, 2025, plaintiff filed objections to defendants' answer. (ECF No. 40.) In the objections, plaintiff did not state whether he had been released from the hospital. (Id.)

On December 9, 2025, defendants filed the pending motion to modify the discovery and scheduling order. (ECF No. 41.) Pursuant to the discovery and scheduling order filed October 17, 2025, the discovery deadline is February 13, 2026 and the dispositive motion deadline is May

1 8, 2026. (ECF No. 36.) In the pending motion, defendants state that plaintiff has not notified the
2 Court or defendants whether plaintiff has been released from the hospital. (ECF No. 41 at 3, 5.)
3 Defendants also could not ascertain whether plaintiff was released from the hospital and able to
4 engage in discovery because plaintiff did not provide defendants with an email address or phone
5 number. (Id. at 3, 5.) To date, defendants have not served plaintiff with discovery requests and
6 defendants have received no discovery requests from plaintiff. (Id. at 4, 5.) Defendants request
7 that the discovery deadline be extended by ninety days to allow plaintiff sufficient time to
8 properly respond to discovery. (Id. at 4.) On December 29, 2025, plaintiff filed a statement of
9 non-opposition to defendants' motion to modify the discovery and scheduling order. (ECF No.
10 42.) In the statement of non-opposition, plaintiff did not address whether he was still
11 hospitalized. (Id.)

12 This Court cannot evaluate defendants' motion to modify the discovery and scheduling
13 order without knowing whether plaintiff is still hospitalized.

14 Accordingly, IT IS HEREBY ORDERED that within ten days of the date of this order,
15 plaintiff shall inform the Court whether plaintiff is still hospitalized. Plaintiff shall also provide
16 defense counsel with his contact information, including an email address and/or phone number, to
17 ensure that defense counsel can communicate with plaintiff.

18
19 Dated: January 5, 2026

20 
21 CHI SOO KIM
22 UNITED STATES MAGISTRATE JUDGE
23

24 Harp2644.ord(2)/2
25
26
27
28